



National Audit Office

OVERVIEW

Ministry of Justice

Departmental Overview 2021-22

We are the UK's independent
public spending watchdog

January 2023

About this overview

This guide has been produced to support the Justice Committee in its examination of the Ministry of Justice's (MOJ's) spending and performance. It summarises the key information and insights that can be gained from our examinations of the MOJ and related bodies in the justice sector in England and Wales and the MOJ's Annual Report and Accounts. The MOJ spends more than £12 billion each year to oversee elements of the justice system: courts and tribunals, prisons, probation services and a range of services to help victims of crime, children, vulnerable people and those seeking access to justice.

The guide includes:

- how the MOJ is structured and where it spends its money;
- how the MOJ manages its people;
- the MOJ's major projects and programmes;
- key developments within the MOJ and justice sector over the past year; and
- risks for the MOJ to manage going forward.

How we have prepared this guide

The information in this guide draws on the findings and recommendations from our financial audit and value-for-money programme of work, and from publicly available sources, including the annual report and accounts of the MOJ and its bodies.

We have cited these sources throughout the guide to enable readers to seek further information if required. Where analysis has been taken directly from our value-for-money or other reports, details of our audit approach can be found in the Appendix of each report, including the evaluative criteria and the evidence base used.

Other analysis in the guide has been directly drawn from publicly available data and includes the relevant source as well as any appropriate notes to help the reader understand our analysis.

Other relevant publications

More information about our work on the justice sector in England and Wales, as well as information about our other recent and upcoming reports can be found on the National Audit Office website.



This report updates our previous overview, Departmental Overview 2020-21: Ministry of Justice, published in February 2022.

More information about central government accounting and reporting

You may also be interested in our interactive guide to [*Good practice in annual reporting*](#), which sets out good-practice principles for annual reporting and provides illustrative examples taken from public sector organisations who are leading the way in this area.

Departmental Overview

2021-22 // Contents

Part One // Overview

About the Ministry of Justice	4
How the Ministry of Justice is structured	5

Part Two // How the Ministry of Justice uses its resources

Where the Ministry of Justice spends its money	6
Staffing numbers	10
Staff and pay	11
Annual Civil Service People Survey	12

Part Three // Key developments

Legislative change	13
Departmental decision-making	15
Major projects and programmes	16

Part Three continued // Key developments continued

Prosecutions and sentencing	18
Courts and tribunals	20
The prison system	24
The probation system	27
Reducing reoffending	29
Managing the needs of those in contact with the criminal justice system	30
Meeting the needs of victims and other users	31

Part Four // Risks for the Ministry of Justice

Demand and supply in the criminal justice system	32
Delivering major projects and programmes and implementing change	34

About the National Audit Office

The National Audit Office (NAO) is the UK's independent public spending watchdog. We scrutinise public spending for Parliament and are independent of government and the civil service. We help Parliament hold government to account and we use our insights to help people who manage and govern public bodies improve public services.

The Comptroller and Auditor General (C&AG), Gareth Davies, is an Officer of the House of Commons and leads the NAO. We audit the financial accounts of departments and other public bodies. We also examine and report on the value for money of how public money has been spent.

In 2021, the NAO's work led to a positive financial impact through reduced costs, improved service delivery, or other benefits to citizens, of £874 million.

If you would like to know more about the NAO's work on the Ministry of Justice, please contact:

Jenny George
Director, Ministry of Justice
Value for Money Audit

jenny.george@nao.org.uk
020 7798 7819

Alex Clark
Director, Ministry of Justice
Financial Audit

alex.clark@nao.org.uk
0207 7798 7569

If you are interested in the NAO's work and support for Parliament more widely, please contact:

Parliament@nao.org.uk
020 7798 7665



About the Ministry of Justice

The Ministry of Justice's role

The Ministry of Justice (MOJ) is the lead government department responsible for the justice system in England and Wales.

With support from 34 agencies and public bodies, the MOJ is responsible for administering:

courts and tribunals,
in partnership with the
independent judiciary

prisons

probation services

other services to
help victims of crime,
children, vulnerable
people and those
seeking access to
justice, including
legal aid

The Lord Chancellor and Secretary of State for Justice oversees all MOJ business and is supported by two ministers of state and two parliamentary under-secretaries.



The Ministry of Justice's objectives

The MOJ works to protect and advance the principles of justice. Its vision is to deliver a world-class justice system that works for everyone in society.

The MOJ has three priority outcomes:

1

To protect the public from serious offenders and improve the safety and security of prisons.

2

To reduce reoffending.

3

To deliver swift access to justice.

Part One // Overview

How the Ministry of Justice is structured

The Ministry of Justice (MOJ) delivers its objectives through a number of public bodies covering criminal, civil and family justice systems in England and Wales.

The Ministry of Justice bodies

HM Courts & Tribunals Service is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland.

HM Prison & Probation Service carries out sentences given by the courts, in custody and the community, and rehabilitates people in its care through education and employment in England and Wales.

The Youth Justice Board oversees the youth justice system in England and Wales.

The Criminal Injuries Compensation Authority deals with compensation claims from people who have been physically or mentally injured because they were the victim of a violent crime in England, Scotland or Wales.

The Legal Aid Agency funds civil and criminal legal aid and advice in England and Wales.

The Parole Board is an independent body that carries out risk assessments on prisoners to determine whether they can be safely released into the community.

Some bodies operate entirely outside of the criminal justice system, including:

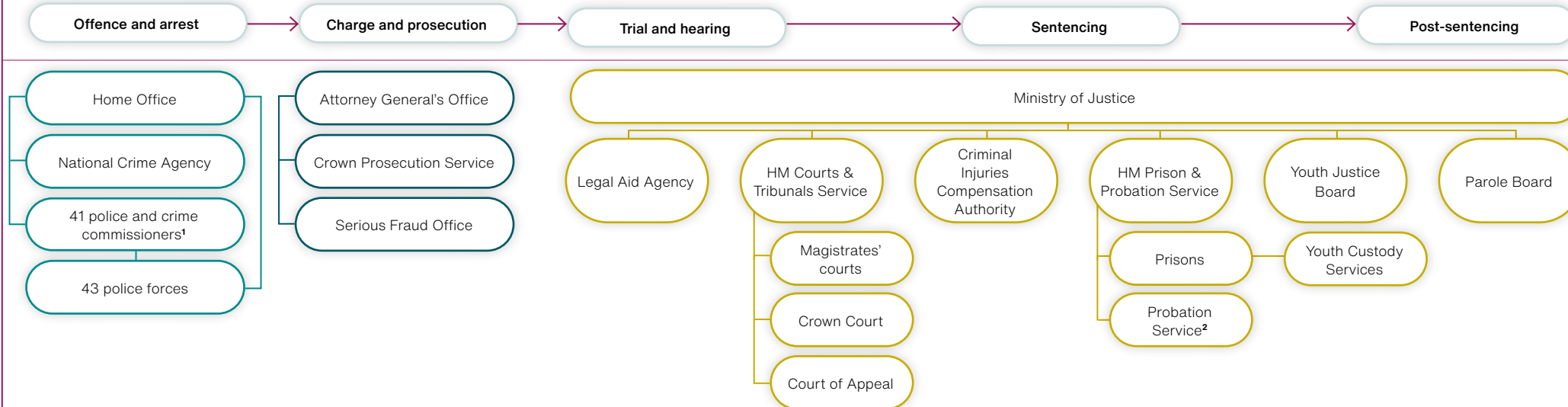
- the Office of the Public Guardian supervises the financial affairs of people who lack the mental capacity for making decisions; and
- the Children and Family Court Advisory and Support Service is independent of the courts and represents children in family court cases in England.

Interactive Tool

The NAO has published an interactive tool visualising how the various MOJ bodies interact on a local basis with each other and with police forces. The tool can help raise questions about the efficiency of the criminal justice system by providing geographic context around the interactions between the various bodies. [Mapping the Justice landscape – National Audit Office \(NAO\) insight.](#)

Bodies involved in the criminal justice system

The Ministry of Justice works with other government departments



○ Stage of the process ○ Home Office and related parties ○ Attorney General's Office and related parties ○ Ministry of Justice and related parties

Notes

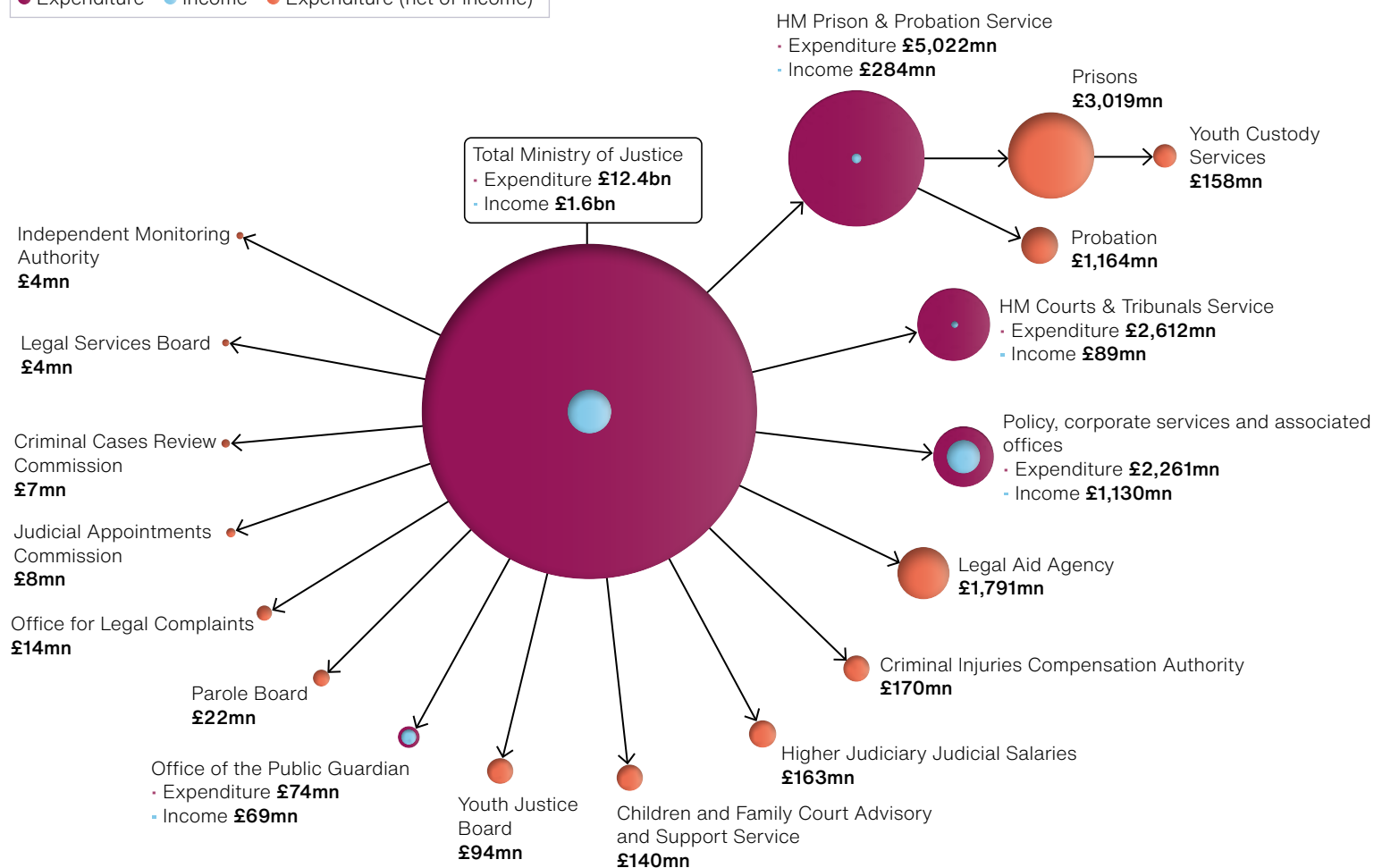
- Greater Manchester Police, Metropolitan Police and the City of London Police do not have police and crime commissioners. In these areas, mayors and metro mayors have authority over the police.
- Since December 2019 in Wales, and June 2021 in England, the National Probation Service has been responsible for managing all offenders on a community order or licence following their release from prison in England and Wales.
- The bodies included are not exhaustive.
- The courts also hear cases sent directly by the Driver & Vehicle Licensing Agency, TV Licensing and other authorities.

Where the Ministry of Justice spends its money

The Ministry of Justice's (MOJ's) total expenditure in 2021-22 was £12.4 billion. It generated income of £1.6 billion, reducing the overall cost to the taxpayer to £10.8 billion.

Ministry of Justice spending 2021-22

● Expenditure ● Income ● Expenditure (net of income)



Notes

- Figures include resource and capital spending in Departmental Expenditure Limits (DEL), which is the government budget that is allocated to and spent by government departments. Total Annually Managed Expenditure (AME) for the MOJ was £360.5 million and is not included in the figure. AME budgets are spent on projects which are demand-led, unpredictable or not easily controlled by departments.
- Breakdown of HM Prison & Probation Service expenditure is only available for the Resource Departmental Expenditure Limit (RDEL), which is its day-to-day spending.
- Gov Facility Services Limited (GFSL) provides facility maintenance services to prisons across the South of England. We have excluded GFSL from the diagram as the net impact on group expenditure is nil (DEL and AME).
- Policy, corporate services and associated offices expenditure is spending on the MOJ's core functions, including staff, rent, rates, utilities, and so on. This core function receives income from a combination of fees (for example, for courts processing divorce or probate claims), fines and recoveries from other government departments.
- The Office for Legal Complaints and Legal Services Board are levy-funded. Levies are surrendered to the consolidated fund.
- The individual accounts of each organisation will not reconcile to the figures shown here due to adjustments made in consolidating the MOJ group accounts.
- Figures may not sum due to rounding.

Part Two // How the Ministry of Justice uses its resources

Where the Ministry of Justice spends its money continued

Financial management

The MOJ's spend against its resource Departmental Expenditure Limit (DEL) was £9,376 million, within £33 million (0.4%) of its parliamentary supply estimate of £9,410 million.¹ For capital DEL, the MOJ's spend was £1,421 million, within £125 million (8%) of its parliamentary supply estimate of £1,546 million.² The MOJ identified supply chain challenges and changes to how it accounts for its leases as the main causes of its underspend.

The MOJ's resource and capital Annually Managed Expenditure (AME) spend was £360 million, £342 million (49%) below its parliamentary estimate of £702 million. The AME budgets are spent on areas which are demand-led, unpredictable or not easily controlled by departments.

Since 2016-17, the MOJ has typically asked for additional parliamentary funding, mainly for resource expenditure. In 2021-22, the MOJ's budget was higher than previous years and it did not require additional funding overall. However, the MOJ returned £172 million for reallocation into future years because it could not fully spend its capital budget in-year, mainly due to delays in the programmes aiming to provide additional prison places.

Audit findings

The Comptroller and Auditor General (C&AG) issued unqualified true and fair and regularity audit opinions on the MOJ group accounts and on subsidiary accounts in 2021-22.

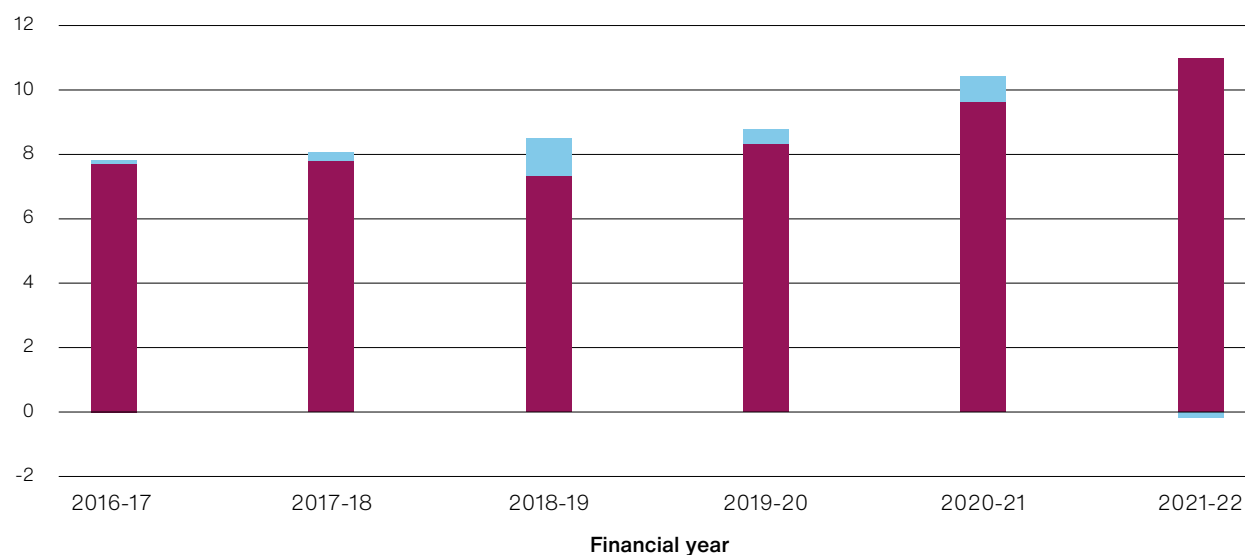
The MOJ recognised six losses of more than £300,000, totalling £15.8 million (compared with eight losses worth £228.5 million in 2020-21).

Notes

- 1 Figures do not total due to rounding.
- 2 Resource spending is money that is spent on day-to-day resources and administration costs. Capital spending is money that is spent on investments and infrastructure such as buildings. Departmental Expenditure Limits are the budgets allocated by Parliament to government departments.

The Ministry of Justice's initial budget and supplementary estimate voted by Parliament 2016-17 to 2021-22

£ billion



- Initial budget
- Supplementary estimate movement

Note

- 1 The initial budget refers to the total of voted resource and capital allocated in the Departmental Expenditure Limit by Parliament. It does not include Annually Managed Expenditure.

Source: National Audit Office analysis of Central Governmental Supply Estimates 2016-17 to 2021-22

Part Two // How the Ministry of Justice uses its resources

Where the Ministry of Justice spends its money continued

Spending patterns

How the MOJ group spent its money in 2021-22

The largest area of the MOJ's spend is related to staff costs (£4,762 million or 42%). Staff costs include wages and salaries, social security costs, pension costs, early departure costs and the net cost of secondments.



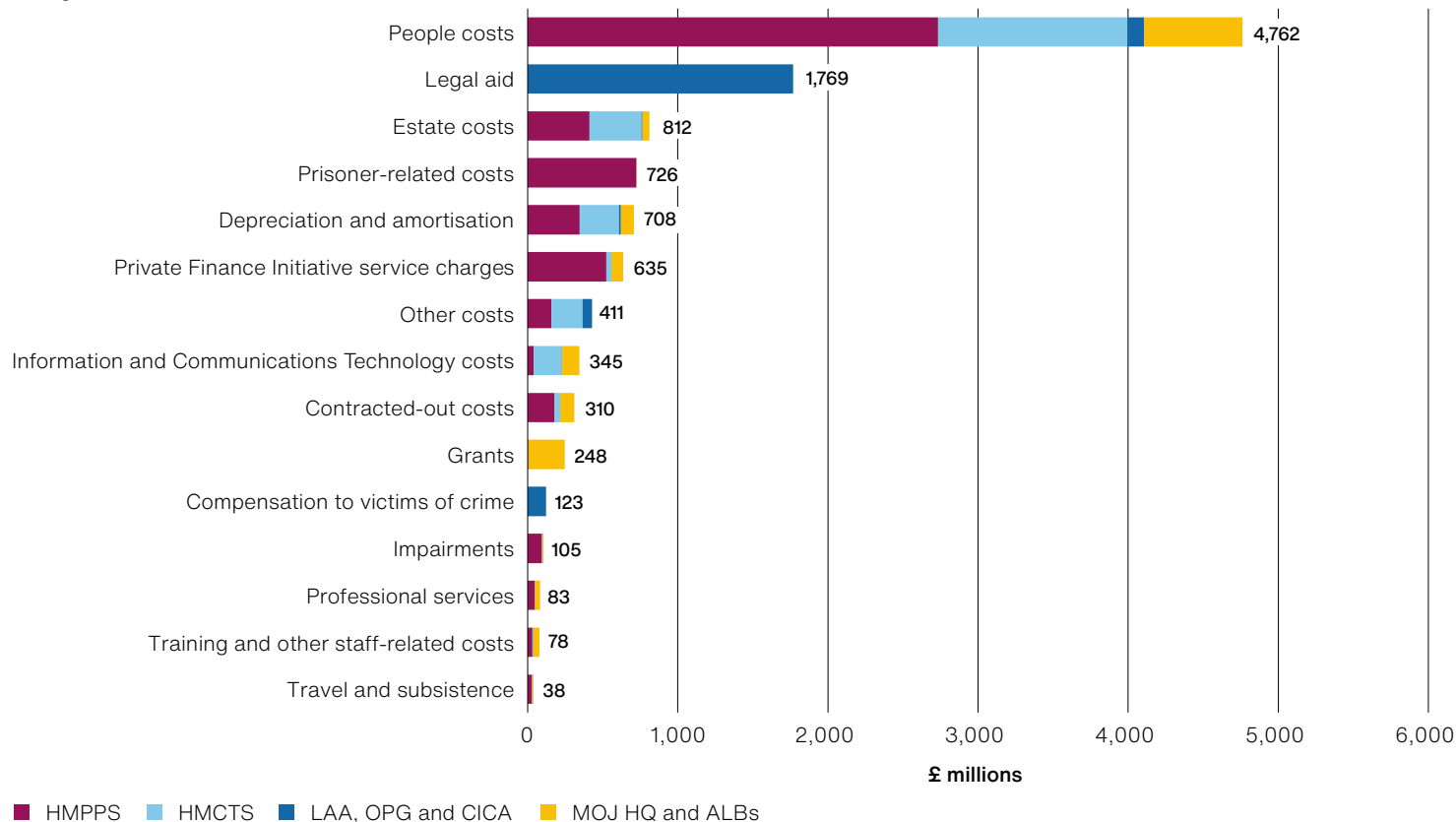
The MOJ's spend on its people increased by £660 million (16%) compared with 2020-21. This was partly driven by 7,000 staff joining from Community Rehabilitation Companies (CRCs) due to probation reforms.

The largest area of MOJ's spend is related to staff costs at

£4,762 million

How the Ministry of Justice group spent its money in 2021-22

Categories



Notes

- Costs are grouped between: HM Prison & Probation Service; HM Courts & Tribunals Service; Legal Aid Agency, Office of the Public Guardian and Criminal Injuries Compensation Authority; Ministry of Justice headquarters and arm's-length bodies.
- Numbers are rounded to the nearest million.

Source: Ministry of Justice Annual Report and Accounts 2021-22

Part Two // How the Ministry of Justice uses its resources

Where the Ministry of Justice spends its money continued

Future spending plans

The MOJ's resource Departmental Expenditure Limit (DEL) for 2022-23 is £10,255 million. This is higher than the outturn in 2021-22 of £9,376 million because of the MOJ's plans for:

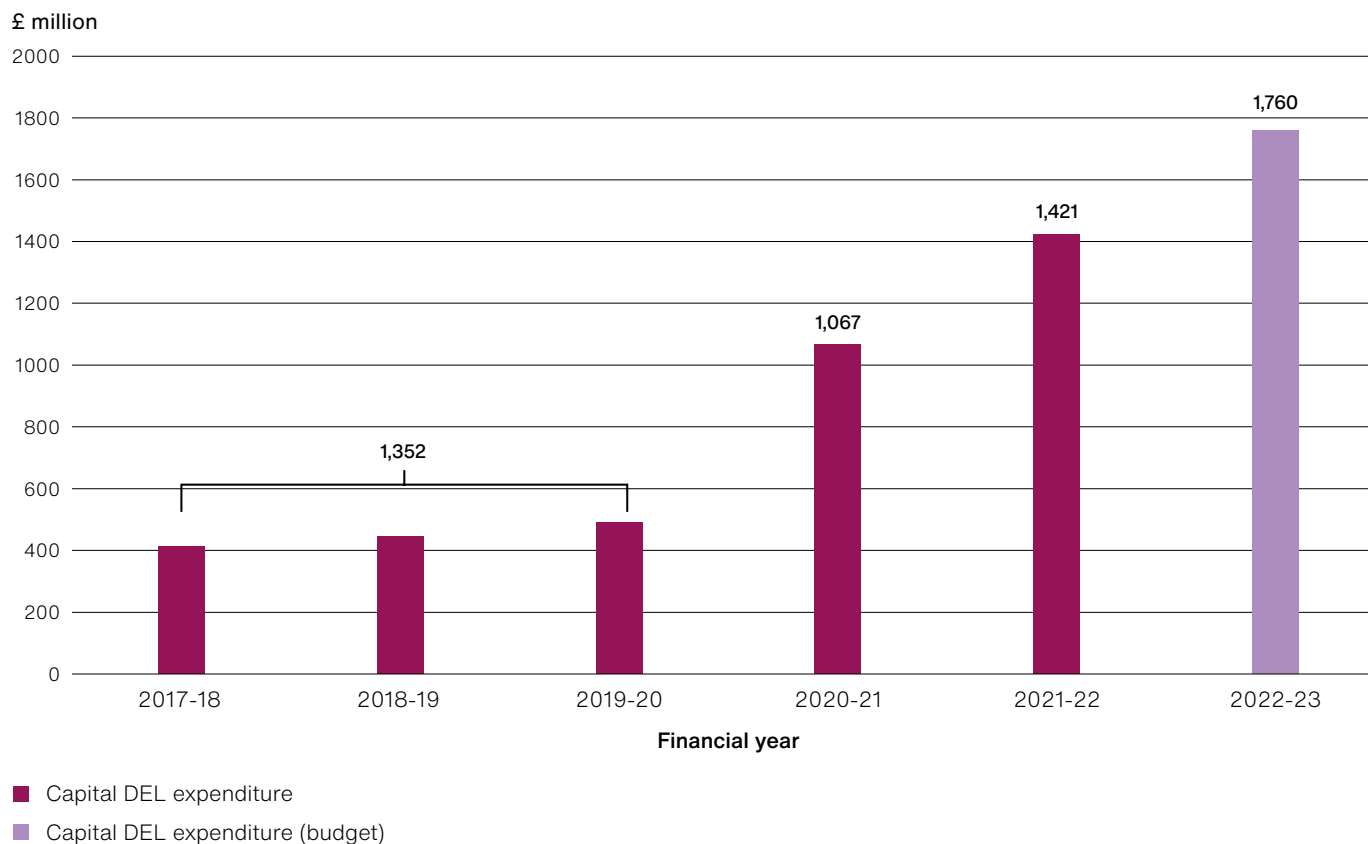
- additional spending on prisons and probation services, including recruiting prison officers and probation staff, additional security measures, and measures to tackle crime and reduce reoffending;
- investment in externally commissioned services (for example, for victims) and other core justice services;
- investment across courts and tribunals to respond to demand, improve performance and address the impact of the COVID-19 pandemic;
- additional spending on payments to legal aid providers; and
- an increase in non-cash budgets to cover depreciation costs, which have increased following additional capital investment.¹

The MOJ's capital budget has increased significantly. For 2022-23, the MOJ has a capital budget of £1,760 million, compared with an outturn in 2021-22 of £1,421 million, which the MOJ reported was a record level of investment in its infrastructure. The MOJ's capital outturn in 2021-22 was £354 million greater than in 2020-21, and greater than the combined total of the MOJ's capital spending over the 2017-18 to 2019-20 period (£1,352 million). The main changes in the MOJ's 2022-23 capital budget are a significant increase in the prison estate budget and a reduction in the court reform budget to modernise the infrastructure for court users.

Note

¹ Depreciation is the process of allocating the cost of a tangible asset over its useful life.

The Ministry of Justice's capital DEL expenditure and future budget from 2017-18 to 2022-23



Source: National Audit Office analysis of Ministry of Justice Annual Report and Accounts 2017-18 to 2021-22 and the government's spending plans

The *Autumn Statement 2022* confirmed that departmental DEL budgets will be maintained at least in line with the budgets set at the 2021 Spending Review. However, some allocations of funding made as part of the 2021 Spending Review to specific areas or programmes (as referred to in this document) may be subject to change. The Statement

also announced government departments will identify efficiency savings to help manage pressures from higher inflation. Also, the government planned to launch an Efficiency and Savings Review, including reprioritising spending from lower-value, lower-priority programmes, and reviewing the effectiveness of public bodies.

Staffing numbers

The MOJ group has the second largest number of staff in the civil service. Most of these staff work in courts, prisons and probation services.

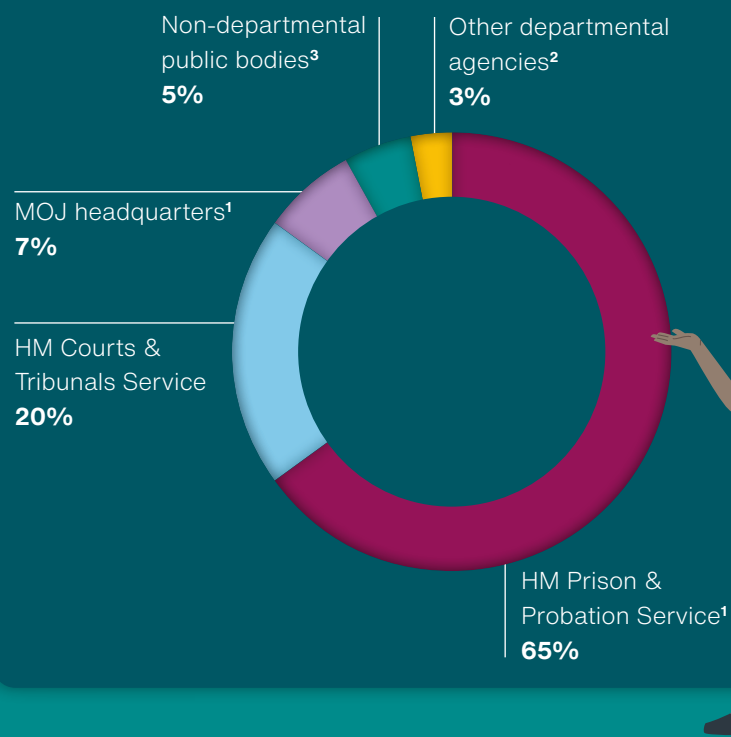
On 31 March 2022 the MOJ group had the second largest headcount of any department in the civil service. The number of staff within the group increased by 10% compared with 31 March 2021, because of Community Rehabilitation Company staff transferring to the MOJ.

Within the MOJ group, HM Prison & Probation Service (HMPPS) employed the largest number of staff in 2021-22, employing an average of 58,025 full-time equivalent staff (65% of the MOJ's workforce on a full-time equivalent basis).¹

Note

¹ Includes special advisers and ministers.

Average number of full-time equivalent staff employed by the MOJ group, 2021-22



Notes

- ¹ Includes staff engaged in capital projects (MOJ headquarters – 74 staff; HM Prisons & Probation Service – 145 staff).
- ² Includes the Legal Aid Agency, Office of the Public Guardian, and Criminal Injuries Compensation Authority.
- ³ Includes Children and Family Court Advisory and Support Service (CAFCASS), Criminal Cases Review Commission, and others.
- ⁴ Total full-time equivalent staff is 88,795 for 2021-22.

Source: National Audit Office analysis of Ministry of Justice Annual Report and Accounts 2021-22

Staff and pay

The MOJ is increasing the diversity of its workforce.

Changes in the MOJ's workforce composition

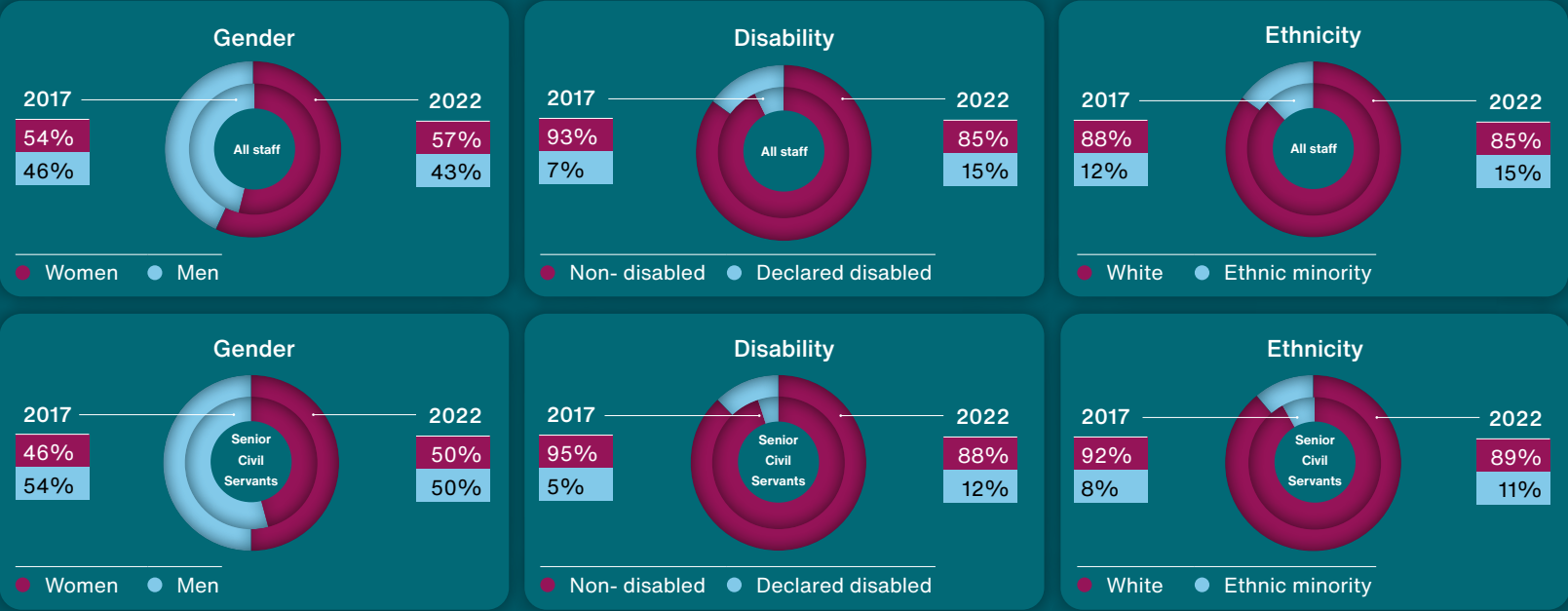
Compared with 2016-17, more women are represented in the MOJ's workforce. The proportion of women in senior civil service grades increased from 46% in 2016-17 to 50% in 2021-22.

There is a higher proportion of those with a declared disability in the MOJ's workforce compared with 2016-17. The proportion of declared disabled senior civil servants increased from 5% in 2016-17 to 12% in 2021-22.

There is also a higher proportion of ethnic minority staff in the MOJ's workforce compared with 2016-17. The proportion of ethnic minority senior civil servants increased from 8% in 2016-17 to 11% in 2021-22.

Workforce composition in the Ministry of Justice (MOJ) in 2017 and 2022

The representation of female, disabled and ethnic minorities has increased in the past five years



Source: National Audit Office analysis of the Ministry of Justice's Annual Report and Accounts 2021-22

Pay multiples

Organisation	Ratio	Band of highest paid director's total remuneration	Median total remuneration
MOJ group ¹	7.4:1	£200,000 to £205,000	£27,381
HM Courts & Tribunals Service	6.1:1	£140,000 to £145,000	£23,360
HM Prison & Probation Service	5.9:1	£165,000 to £170,000	£28,200
Legal Aid Agency	4.5:1	£110,000 to £115,000	£25,118

The highest paid director is paid 7.4 times the average pay within the MOJ group.¹ This pay multiple varies across MOJ's arm's-length bodies.



Notes

- 1 Dates as at 31 March each year.
- 2 Figures for ethnicity and disability are based on disclosure rates.

Notes

- 1 The MOJ group is a representative calculation including the pay multiples of MOJ headquarters, HM Prison & Probation Service, HM Courts & Tribunals Service, Legal Aid Agency, Office of the Public Guardian and Criminal Injuries Compensation Authority.
- 2 Pay multiples are calculated from the mid-point of the band of the highest paid director.

Sources: The Annual Reports and Accounts 2021-22 of the Ministry of Justice, HM Courts & Tribunals Service, HM Prison & Probation Service and Legal Aid Agency

Part Two // How the Ministry of Justice uses its resources

Annual Civil Service People Survey

The annual Civil Service People Survey looks at civil servants' attitudes to, and experience of, working in government departments. The results of the most recent survey were published in April 2022. The table shows the results for the MOJ Group.

	Result in 2021 (%)	Result in 2020 (%)	Change (Percentage points)	Civil service median in 2021 (%)
 Employee engagement index	60	61	-1	66
 My work	73	74	-1	79
 Organisational objective and purpose	78	81	-3	85
 My manager	67	67	0	75
 My team	77	79	-2	84
 Learning and development	50	49	+1	56
 Inclusion and fair treatment	73	74	-1	82
 Resources and workload	68	71	-3	75
 Pay and benefits	28	27	+1	39
 Leadership and managing change	46	49	-3	58

The results for the MOJ and its arm's-length bodies (the group) worsened in all but three areas. The scores for the *Learning and development* and *Pay and benefits* themes improved, while the *My manager* theme stayed the same.

Organisational objective and purpose and *My team* were the highest scoring themes, which is consistent across the civil service.

Pay and benefits and *Leadership and managing change* were the lowest scoring.

As with last year's scores, the group's were all below the civil service median.

Notes

- 1 The MOJ group response rate was 45%, compared with an overall response rate of 62%. The MOJ reported that a significant number of prison officers had boycotted the survey for the last few years.
- 2 The employee engagement index methodology is available in the Cabinet Office's [technical guide](#) to the survey.
- 3 For all other themes, we provide the proportion of respondents giving an 'agree' or 'strongly agree' response to questions on these subjects.

Source: National Audit Office analysis of the annual Civil Service People Survey data

Legislative change

A number of recent and planned legislative changes will impact the justice system.



Police, Crime, Sentencing and Courts Act

This [Act](#) passed into law on 28 April 2022 and gives various additional powers to the police, including statutory powers for data extraction, expanding the Sexual Offences Act 2003, and more powers to break up protests and unauthorised encampments. It also provides for longer sentences for certain offenders, and aims to modernise criminal justice delivery.

The Act updates the process by which those Imprisoned for Public Protection (IPP) are considered for release, placing a requirement on the Secretary of State for Justice to refer eligible offenders to the Parole Board. The IPP sentence was introduced in 2005, targeted at serious offenders who posed an ongoing risk to public safety, but who did not merit a life sentence. Offenders were given a minimum term, which had to be served in custody in full, and could only be released if the Parole Board was satisfied that they were safe to be released on licence. The IPP sentence was abolished in 2012.

The Justice Committee published a [report on IPP sentences](#) in September 2022. As at June 2022, there were still 2,926 people in prison under IPPs.



Parole system

In March 2022, the Ministry of Justice (MOJ) published its [Root and Branch Review of the Parole System](#). The review proposed changes to the composition and decision-making of the Parole Board.

In July 2022, a number of these changes were enacted by secondary legislation, including:

- the ability of the Parole Board to hold public hearings in some limited circumstances;
- to allow the Secretary of State for Justice to present the Parole Board with a single view about the suitability of a prisoner for release. Previously, prison and probation staff would include in their reports to the Parole Board their own recommendations on whether they considered the prisoner to be suitable for release but may no longer do so. Prison and probation staff can continue to provide the full range of evidence and risk assessments on the prisoner to enable the Parole Board to make a fully informed decision but without a concluding recommendation; and
- a new process whereby the Parole Board can set aside its own final decisions and directions because of an error of law or fact, or if additional information comes to light or there is a change in circumstances.

The MOJ plans to bring forward other measures, including changes to the statutory release test used by the Parole Board and new powers for ministers to scrutinise and block the release of the most serious offenders where considered necessary to maintain public safety.

Part Three // Key developments

Legislative change continued



The appeals system

In July 2022, the government asked the Law Commission in England and Wales to review the law relating to criminal appeals.¹ The review will consider the need for reform with a view to ensuring that courts have powers that enable effective, efficient and appropriate resolution of appeals. It will also consider whether a consolidation of the current legislation would make the law clearer and more consistent. The Law Commission plans to set out proposals for consultation by late 2023.

Note

¹ The terms of reference of the review are available here: [Criminal Appeals – Law Commission Review](#)



Divorce

New divorce legislation came into effect from 6 April 2022, which aims to reduce the potential for conflict among divorcing couples by:

- removing the ability to make allegations about the conduct of a spouse; and
- allowing couples to end their marriage jointly.



Victims Bill

In December 2021, the government launched *Delivering justice for victims* – a consultation setting out its intention to improve victims' experiences of the criminal justice system across England and Wales.

In May 2022, the MOJ published a *Draft Victims Bill* for pre-legislative scrutiny, alongside a package of measures set out in its response to the [consultation](#). The bill proposes:

- enshrining the principles of the [Victims' Code](#) in primary legislation;
- increasing oversight of how criminal justice agencies treat victims, through placing a duty on them and police and crime commissioners to review Code compliance at the local level and national joint inspections on victims' issues;
- introducing a joint statutory duty on police and crime commissioners, local authorities and health bodies to work together when commissioning support services for victims of domestic abuse, sexual violence and other serious violence; and
- introducing a statutory definition of the role of independent sexual violence advisers and independent domestic violence advisers and guidance.

The Justice Committee published its pre-legislative scrutiny in September 2022 raising concerns that the bill will have limited effect on delivery of victims' rights. The MOJ is considering the Committee's recommendations.

Part Three // Key developments

Departmental decision-making

Senior leadership changes

Following the MOJ permanent secretary's review of the operating model of HM Prison & Probation Service (HMPPS), a new chief executive and accounting officer role at director-general grade was created, supported by a director-general of operations. The MOJ's second permanent secretary, previously responsible for HMPPS, now has the lead role to improve project delivery, digital and technology functions and oversee the work of the Legal Aid Agency, Office of the Public Guardian and the Criminal Injuries Compensation Authority.

The MOJ has recruited a new director-general to lead a new Performance, Strategy and Analysis group in order to improve evidenced-based decision-making.

Accounting officer assessments

Accounting officer assessments (AO assessments) involve accounting officers considering significant spending decisions against public spending criteria. They comprise a critical part of HM Treasury's controls and processes. HM Treasury introduced a requirement for AO assessment summaries relating to major projects to be published unless there were overriding sensitivities.

In July 2022, the NAO published a [report](#) on the extent to which AO assessments are supporting good decision-making in line with expected standards and providing transparency over significant spending decisions up to the end of 2021. The report included three MOJ AO assessment summaries signed and published before the end of 2021.

Since the report's publication, the MOJ has published further AO assessments, available here: www.gov.uk/government/publications/government-major-projects-portfolio-accounting-officer-assessments-ministry-of-justice



Part Three // Key developments

Major projects and programmes

The MOJ group has the second largest number of projects in the Government Major Projects Portfolio (GMPP).

The whole-life cost of the group's projects is £91.4 billion (including non-government costs). Of the 24 projects led by the group as at 31 March 2022, six are infrastructure and construction projects, 13 are transformation and service delivery projects and five are information and communications technology projects.

Projects on the Government Major Projects Portfolio managed by the Ministry of Justice (MOJ)

Project name	Description	Delivery Confidence Assessment March 2022 ¹
10,000 Additional Prison Places	Build four new prisons (up to c.1,680 places each).	Amber
10,000 Additional Prison Places – Estate Expansions	Deliver additional prison places by expanding the existing estate.	Amber
Accelerated Houseblocks	Deliver 2,500 houseblock places across the adult male estate.	Amber
Approved Premises	Increase capacity in Approved Premises (residential units in the community for offenders).	Green
Electronic Monitoring	Implementing a new electronic monitoring system for offenders.	Amber
Glen Parva New Build Prison	Build and procure private services for a new Category C resettlement prison.	Amber
HM Courts & Tribunals Service (HMCTS) Reform	Modernising court infrastructure and deliver a better and more flexible service to users.	Amber
HMP Five Wells New Prison	Build and procure private services for a new Category C resettlement prison. The prison opened in March 2022.	Green
PFI Expiry & Transfer project	Exit and transfer of services from PFI contracts at HMP Parc, Altcourse and Lowdham Grange.	Amber
Print Re-procurement	Renewing the MOJ's print contract	Amber
Prison Retail	Re-compete the prison retail contract, which covers services to all public sector and four private prisons.	Amber
Prison Technology Transformation Programme	Replace common technology across public prisons and HMPPS headquarters to provide staff with modern mobile technology services.	Amber
Probation Programme	Creating a unified Probation Service split into 12 probation regions across England and Wales bringing together offender management for all levels of risk, together with responsibility for unpaid work, accredited programmes and other structured rehabilitative interventions.	Amber
Security Investment Programme	Delivering £100 million investment for increasing security at prisons.	Green
YOI Education Services Retender	Replace the education services contracts in public sector Youth Offender Institutions in England.	Amber
Youth Justice Reform Programme	To make youth custody a place of safety and improve life chances of children in custody.	Amber
Community Accommodation Service Tier 2	To replace the current contract for providing accommodation and support for low- and medium-risk offenders, primarily on bail and home detention curfew.	Green

Part Three // Key developments

Major projects and programmes continued

Projects on the Government Major Projects Portfolio managed by the Ministry of Justice (MOJ) continued

Project name	Description	Delivery Confidence Assessment March 2022 ¹
Electronic Monitoring Expansion	To expand the impact, use and efficacy of electronic monitoring.	Amber
Evolve Network Services	Re-procurement of local and wide area network services to meet the current and future needs of the MOJ group.	Amber
Evolve Voice & Video Services	Re-procurement of Voice and Video Services to meet the current and future needs of the MOJ group.	Amber
HMCTS Decommission and Legacy Risk Mitigation Programme	To retire aged and unused HMCTS applications where possible, and for those applications still required, to update the applications and migrate them to other systems.	Amber
Drug Testing Services	To procure a new contract to improve drug testing in prisons and for those supervised in the community.	Green
Probation Workforce Reform	To build a strengthened, innovative and professional Probation workforce.	Amber
Rapid Deployment Cells Project	To provide a significant number of temporary prison spaces at predetermined sites by December 2022 to help manage population demand.	Red

Note

- ¹ The Infrastructure and Project Authority's (IPA's) three-tier assessment shown is not comparable with the IPA's five-tier assessment set out in our previous Departmental Overview. In July 2021, the IPA changed the way it assures projects and programmes. The IPA's three-tier ratings are:
- a Green – Successful delivery of the programme/project to time, cost and quality appears highly likely and there are no major outstanding issues that at this stage appear to threaten delivery. Recommendation: The programme/project is ready to proceed to the next stage.
 - b Amber – Successful delivery of the programme/project to time, cost and quality appears feasible but significant issues already exist requiring management attention. These appear resolvable at this stage and, if addressed promptly, should not present a cost/schedule overrun. Recommendation: This programme/project can proceed to the next stage with conditions but the programme/project must report back to the IPA and HM Treasury on the satisfaction of each time-bound condition within an agreed timeframe.
 - c Red – Successful delivery of the programme/project to time, cost and quality appears to be unachievable. There are major issues which, at this stage, do not appear to be manageable or resolvable. The programme/project may need re-baselining and/or its overall viability re-assessed. Recommendation: This programme/project should not proceed to the next phase until these major issues are managed to an acceptable level of risk and the viability of the project/programme has been re-confirmed.

Source: National Audit Office analysis of Infrastructure and Projects Authority Annual Report on Major Projects 2021-22



Relevant NAO work: [Framework to review portfolios 2022 \(nao.org.uk\)](https://nao.org.uk/publications/framework-to-review-portfolios-2022)

Part Three // Key developments

Prosecutions and sentencing

The COVID-19 pandemic caused a large increase in the live caseload, driven by a sharp reduction in prosecution completions.

Crown Prosecution Service's (CPS's) live caseload¹

Between August 2020 and March 2022, the CPS's live caseload had been decreasing. The CPS finalised more cases than it received, which lowered the live caseload (volume of live cases that the CPS has at that point in time). The CPS has identified increasing staff numbers as a key factor in helping to reduce the backlog.

In the year to June 2022, prosecutions and convictions increased by 7% and 10% respectively against the prior year, although they remained lower than the pre-COVID-19 baseline.²

In April 2022, the live caseload started to increase.

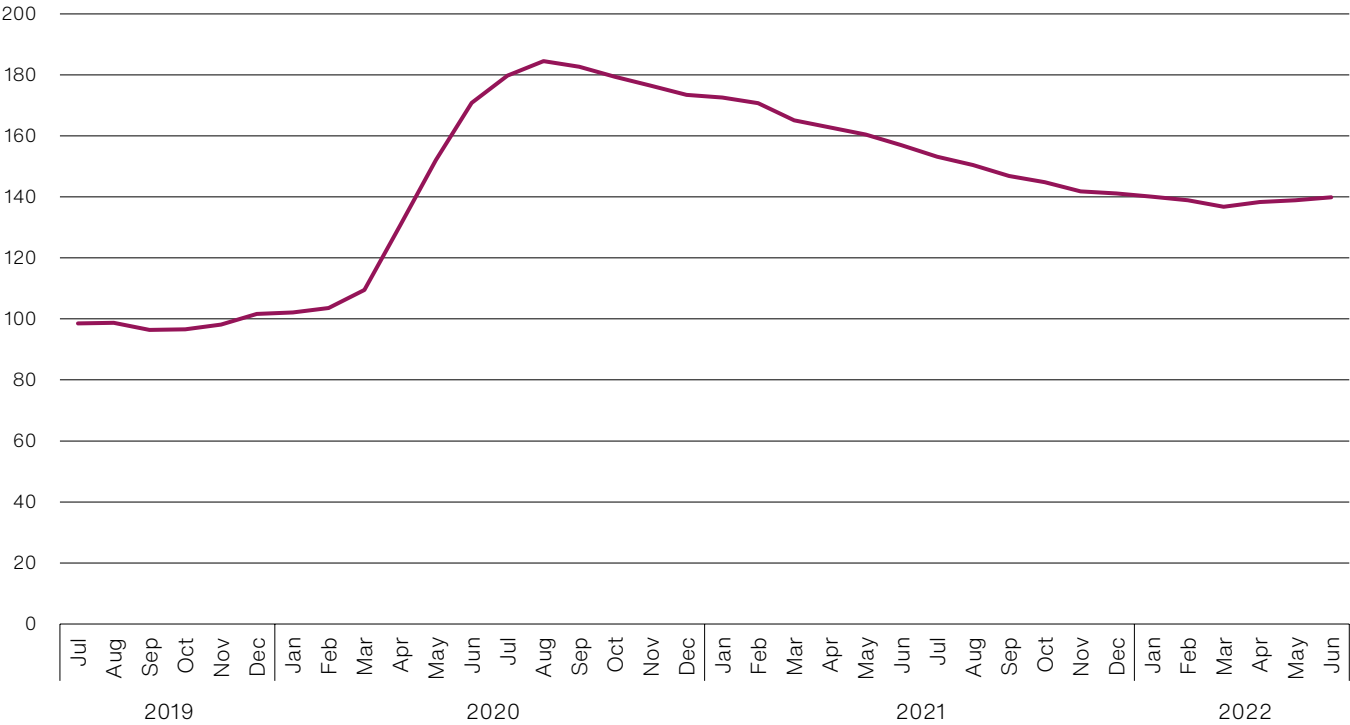
Notes

- 1 The CPS is part of the Attorney General's Office, not the Ministry of Justice group, but we include it given its key role in the justice system.
- 2 Comparisons in prosecutions and convictions are based on number of cases, while CPS live caseload figures are based on number of defendants.

Crown Prosecution Service (CPS) live caseload from July 2019 to June 2022

The CPS's caseload has reduced from a peak in August 2020

Number of cases (thousands)



— Live caseload

Note

- 1 Live caseload is the number of unfinalised prosecution proceedings on a defendant basis.

Source: National Audit Office analysis of Crown Prosecution Service published data

Part Three // Key developments

Prosecutions and sentencing continued

Rape Review progress update

In June 2022, the government published a [progress update](#) following one year on from publication of the [End-to-End Rape Review Report on Findings and Actions](#). The government committed to additional actions to put it on track to meet its ambitions by the end of the current Parliament. These actions include pilots of enhanced specialist sexual violence support in some Crown Courts.

In December 2021 the MOJ published its first quarterly [performance scorecard](#) including recorded adult rape offences, bringing together data to increase public transparency and help identify performance issues.¹

Multi-Agency Public Protection Arrangements

Multi-Agency Public Protection Arrangements (MAPPA) are a set of statutory arrangements. They bring together the police, probation and prison services by area to assess and manage the risk posed by certain sexual and violent offenders.

The overall MAPPA population on 31 March 2022 was 89,438, up 3% on the previous year and up 61% since 2012.

In July 2022, the Criminal Justice Inspectorates made a number of recommendations for operational improvements to MAPPA following its [review 20 years on from the introduction of MAPPA](#). In August 2022 HM Prison & Probation Service published its [response](#).

The Serious Fraud Office

The Serious Fraud Office (SFO) is a non-ministerial department. It investigates and prosecutes serious or complex fraud, bribery and corruption. It is one of the Law Officers' Departments and is sponsored by the Attorney General's Office, but works with the MOJ on matters of policy.²

Following the collapse of a trial and the overturning of convictions on a separate SFO case, two independent reviews of what went wrong were commissioned. These reviews were published in July 2022.

The SFO has accepted all recommendations made. These covered resourcing and training, performance management, managing the disclosure of material and engagement with defence teams.

Notes

- 1 The scorecard also covers other types of crime.
- 2 We include it given its key role in the justice system.

Part Three // Key developments

Courts and tribunals

The MOJ is seeking to improve the efficiency and effectiveness of the courts.



Legal aid funding disputes

The Legal Aid Agency administers civil and criminal legal aid and advice in England and Wales. In 2021-22, total legal aid expenditure was £1,823 million (including £856 million of criminal legal aid).

Following long-standing concerns about the level of funding for criminal legal aid, [Lord Bellamy's Independent Review](#) was published in November 2021.¹ His main recommendation was for criminal legal aid funding to be increased as soon as possible to at least 15% above present levels. In March 2022, the government published its [response](#) to the review, launching a consultation on a number of proposals, including increasing most fees for criminal barristers and solicitors by 15%. In July 2022, the government published an [interim response](#) confirming a 15% increase from September 2022, excluding the current court case backlog. The [full response](#) was published on 30 November 2022.

In June 2022, criminal barristers began walkouts in a dispute about fee rates. Nearly 20% of trials were affected by strike action during July 2022, and on 22 August 2022, these walkouts became an indefinite strike. In response to the government announcing a package of reforms and fee uplifts to criminal legal aid totalling £54 million, barristers voted to end strike action effective from 10 October 2022.

Note

- ¹ Lord Bellamy was appointed Parliamentary Under Secretary of State in the Ministry of Justice on 7 June 2022.



Court reform programme

The HM Courts & Tribunals Service (HMCTS) reform programme was established in 2016 with the aim of modernising the justice system. HMCTS's vision for reform is to move away from old paper-based systems to user-friendly digital services, increasing efficiency and improving access to justice.

The COVID-19 pandemic meant that HMCTS had to adapt its plans for reform. In 2020 it rolled out and expanded audio and video technology capability earlier than planned to allow remote working and support overall recovery efforts. HMCTS has also made progress in rolling out several online services across the Civil, Family and Tribunal jurisdiction such as probate and divorce. Within criminal justice, HMCTS has begun Common Platform rollout – a digital case management system. Common Platform is designed to allow the legal professionals involved in a case, including solicitors and the judiciary, secure access to case information in one place. As at 4 November 2022, the system has gone live in 173 (76%) criminal courts across England and Wales and managed more than 400,000 hearings. HMCTS intends for the system to be used in all Crown and Magistrates' Courts by the end of the reform programme in December 2023.

The NAO published [Transforming courts and tribunals: a progress update](#) in September 2019 and plans to publish a further update on the programme in early 2023.

Part Three // Key developments

Courts and tribunals continued

HMCTS is running a recovery programme for criminal, civil and family courts and tribunals with an overall objective to return the backlog to sustainable levels. However, backlogs have increased again in recent months due to industrial action.



Criminal court trends

There was an 21% increase in the number of individuals dealt with through the criminal justice system in 2021-22, but this number was still 12% lower than pre-pandemic levels.

Backlogs in the Crown Court and Magistrates' Courts have increased in recent months. The Crown Court backlog has increased, in part, because of industrial action by the Criminal Bar Association.

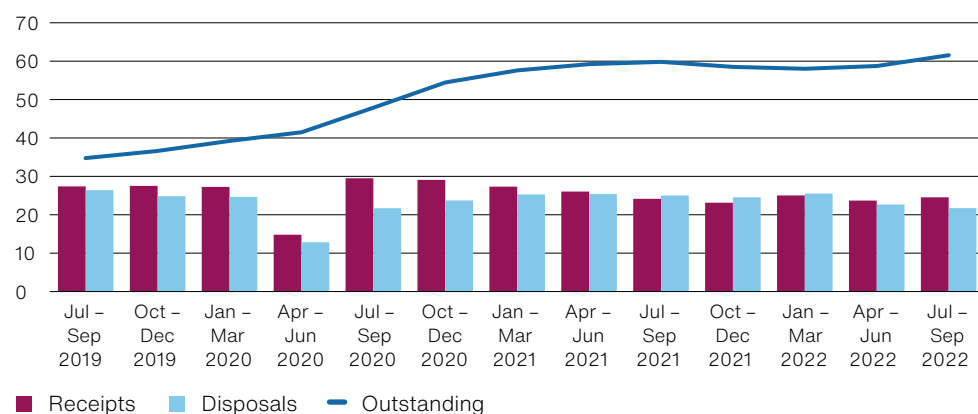
The average age of outstanding cases in the Crown Court continues to increase. Between April and June 2022 more than one-quarter (28%) of outstanding cases had been open for a year or more, up from 19% over the same time period in 2021.

The Crown Court backlog

The backlog of cases at the Crown Court has started to rise again, after falling in late 2021 and early 2022. In September 2022, the backlog stood at 62,517 cases.

Caseload in the Crown Court, July 2019 to September 2022

Number of cases (thousands)



Note

1 The National Audit Office has defined the backlog as all cases waiting to be heard or completed. The Ministry of Justice and HM Courts & Tribunals Service refer to this as the outstanding caseload. We recognise there are limitations to our definition, as described in our report on *Reducing the backlog in Criminal Courts*, October 2021.

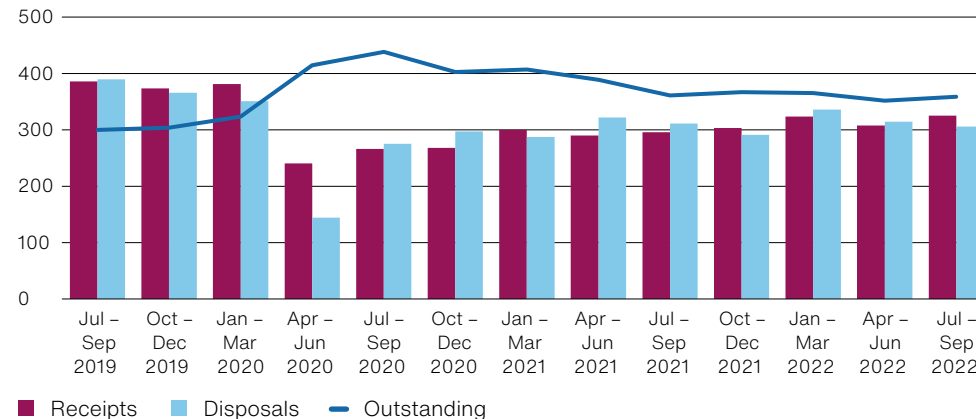
Source: National Audit Office analysis of HM Courts & Tribunals Service management information, more recent figures are provisional

Magistrates' Courts backlog

The backlog of cases at Magistrates' Courts is lower than its peak in 2020, but has risen slightly in recent months. In September 2022 the backlog stood at 366,202 cases.

Caseload in Magistrates' Courts, July 2019 to September 2022

Number of cases (thousands)



Note

1 The National Audit Office has defined the backlog as all cases waiting to be heard or completed. The Ministry of Justice and HM Courts & Tribunals Service refer to this as the outstanding caseload. We recognise there are limitations to our definition, as described in our report on *Reducing the backlog in Criminal Courts*, October 2021.

Source: National Audit Office analysis of HM Courts & Tribunals Service management information, more recent figures are provisional

Courts and tribunals continued

The MOJ's response to the backlog

In 2020-21 HMCTS received £255 million resource funding to support court recovery during the COVID-19 pandemic. The 2021 Spending Review (SR) provided the MOJ with an additional £644 million a year by 2024-25 to expand capacity across the criminal justice system, including meeting increased demand from the recruitment of 20,000 extra police officers. It also provided an additional £477 million resource funding across the SR period for the criminal justice system to help reduce backlogs.

The MOJ plans to reduce the Crown Court backlog to 53,000 cases by March 2025 by increasing the number of sitting days from 100,000 to 106,500 in both 2023-24 and 2024-25. However, the MOJ has faced problems recruiting additional judges to meet this increase. It has raised the mandatory retirement age for judges and magistrates (from 70 to 75) and, in April 2022, introduced a new pension scheme for judges. The MOJ has also removed the cap on the number of court sitting days per year, increased sentencing power available to magistrates, and equipped more courts with video-conferencing hardware.

In 2021-22, the MOJ received £246 million additional funding to support operational delivery in response to the COVID-19 pandemic. Expenditure on COVID-19-related activities to address the backlog included:

- £100 million to support courts and tribunals recovery by funding additional staffing, safety and cleaning measures as well as Nightingale Court running costs, external juror deliberation spaces, and development of remote hearings; and
- £71 million to cover the increased legal aid costs within the Family and Crown Court due to the increased number of sitting days.

In March 2022, the government announced that 30 of the 72 original Nightingale courtrooms would remain in use until March 2023. The government reports that courtroom capacity has returned to pre-pandemic levels.

Part Three // Key developments

Courts and tribunals continued

The timeliness of Family Court and Civil Court cases has worsened.

Family Court trends

Between April and June 2022, there were 69,340 new cases entering Family Courts, an increase of 2% on the same period in 2021. This was due to increases in matrimonial cases (22%) and domestic violence cases (5%). Financial remedy, private law and adoption cases decreased.^{1, 2}

Between April and June 2022 there were 33,234 applications made for divorce under new legislation that came into effect from 6 April 2022.³ This was a 22% increase from the same quarter in 2021.

The timeliness of cases to first disposal in the Family Court has worsened. For example, private law cases took on average 30 weeks, four weeks more than the same period in 2021.⁴

Civil Court trends

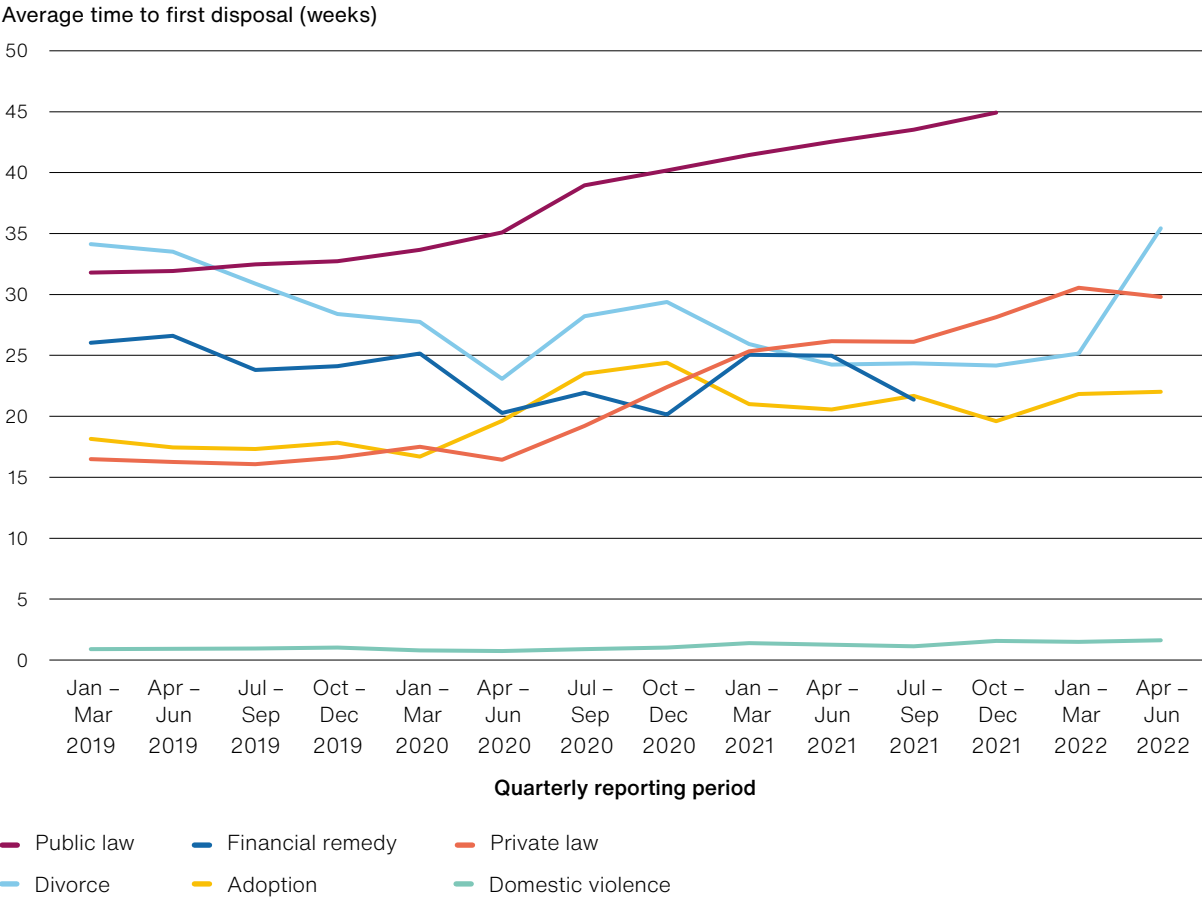
The number of civil justice actions has been stable overall since the beginning of 2021 but remains below pre-pandemic levels. The majority were money claims (where the claim at court is for a specified amount of money) representing 300,000 of the 374,000 claims in April to June 2022.

In April to June 2022, it took an average of 50.8 weeks between a small claim being issued and the claim going to trial, 1.6 weeks longer than the same period in 2021. For multi/fast-track claims, it took on average 75.0 weeks to reach a trial, 3.9 weeks longer than in April to June 2021.

Notes

- 1 Financial remedy is a type of court proceeding that addresses a couple's finances as part of a divorce or dissolution of a civil partnership.
- 2 Private law cases are court cases between two or more private individuals who are trying to resolve a dispute. This is generally where parents have split up and there is a disagreement about who the children should live with and have contact or otherwise spend time with.
- 3 Reforms to the Divorce, Dissolution and Separation Act 2020.
- 4 Disposals within a case include orders granted by the court, as well as other decisions, such as if an order is refused or an application is withdrawn. As there can be multiple disposals within a case, timeliness is calculated to the first of these.

Average time to first court disposal by case type in Family Courts, January–March 2019 to April–June 2022



Notes

- 1 Data for financial remedy cases between October 2021 to June 2022, and for public law between January 2022 and June 2022, are not available.
- 2 Disposals within a case include orders granted by the court, as well as other decisions, such as if an order is refused or an application is withdrawn. As there can be multiple disposals within a case, timeliness is calculated to the first of these.
- 3 The introduction of new divorce legislation changed the process to include a mandatory cooling-off period of at least 20 weeks. The Ministry of Justice has stated that timeliness data for divorce cases prior to and post 6 April 2022 are not comparable because the length of time expected in the legal process is different.

Source: National Audit Office analysis of Quarterly Family Court Statistics

Part Three // Key developments

The prison system

The MOJ is responding to a predicted shortfall in the number of prison places. Over the next 10 years, the MOJ aims to build a number of next-generation prisons, delivering prison and probation services that cut crime and protect the public, and maintaining a prison estate that is safe and secure for staff and prisoners.

Prison population

At the end of September 2022, there were 81,309 people in 121 prisons across England and Wales. The total population has risen by 3% (2,553 people) since the same period in the previous year, but is still below the pre-pandemic number.

The MOJ has projected that the prison population will increase to 97,500 prisoners by July 2025 because of plans to increase court capacity and the impact of additional police recruitment.

Of those in prison, 14,507 were held on remand (a 12% increase since the previous year), the highest number in at least 50 years. This reflects the impact of partial court recovery following COVID-19 restrictions. The Justice Committee is undertaking an [inquiry into adult custodial remand in the criminal justice system](#).

Prison crowding remains an issue. In the year to March 2022, 20.6% of prisoners (16,342 people) were held in crowded conditions, up from 20.2% in the previous year. Crowding rates were highest (45.9%) in male local prisons (a type of prison where a person is detained before trial or directly after conviction).

New prisons

The MOJ has committed £3.8 billion between 2022-23 and 2024-25 to increase prison capacity by 20,000 additional places by the mid-2020s.

The MOJ's additional prison places portfolio includes:

- completing construction of two resettlement prisons:
 - HMP Five Wells was officially opened in March 2022.
 - HMP Fosse Way is due to open in mid-2023;
- four more new-build prisons, one to be operated by HMPPS and the others by the private sector, by 2026. In July 2022, the MOJ signed the construction contract for the first of these, in Full Sutton, to open in 2025. Plans for the remaining three prisons are being developed after local councils rejected planning applications. Planning appeals have been submitted, which HMPPS expects to conclude during 2023;
- the permanent expansion of existing male and female establishments. In February 2022, the MOJ announced plans to expand eight prisons through new houseblocks;
- the refurbishment of the existing estate to bring unusable cells into use. HMPPS has refurbishment projects in progress at three sites, aiming to bring back into use around 800 cells. Refurbishment at four sites has already completed; and
- the use of temporary accommodation where appropriate, providing an additional 2,000 places.

At October 2022, the MOJ's public announcements on its additional places portfolio included plans for around 17,000 additional prison places.

HMP Five Wells

This new 'category C' prison in Wellingborough, Northamptonshire is designed to house around 1,700 men over seven houseblocks and will be operated by G4S for the next 10 years.¹ It will house prisoners nearing the end of their sentence or on short custodial sentences. It was designed based on lessons from previous prison builds, practical prison expertise of staff and prisoners, academia and international expertise.

This is the first 'smart prison' that uses:

- smart design to reduce crime, with wider, shorter corridors and fewer prisoners on each wing. Cells will have ultra-secure, bar-less windows;
- in-cell tablets to enable prisoners to access education and learning;
- two special drug recovery wings with a focus on abstinence-based methods; and
- 24 workshops and a large number of classrooms to support formal learning and on-the-job training.



Picture used with permission of Kier/ProDroneWorx

Note

- ¹ A category of prison housing offenders who are assessed as requiring standard closed conditions, and do not need additional security.

Part Three // Key developments

The prison system continued

The MOJ aims to improve the performance of prisons through a number of initiatives.

Plans for improvement

In December 2021, the government announced a [Prisons Strategy White Paper](#) and consultation. It sets out a 10-year vision for the prison system, including plans to: improve safety, rehabilitation, education and treatment in prisons; and reduce crime and reoffending.

In June 2022, the government published its [response to the consultation](#), including a commitment to bring forward legislation to enable governors to release prisoners up to two days early where the release date falls on a Friday or a bank holiday. This change will enable them to access vital services before the weekend, to reduce their risk of reoffending.

Prison education

The responsibility for managing prison education rests with prison governors. The MOJ procured new education providers covering 17 areas (of grouped prisons) to provide education services for four years from 1 April 2019 with an option for up to a further two years' extension.¹ In September 2021, a joint prison education review was announced by Ofsted and HM Inspectorate of Prisons. The first [report on prison reading](#) was published in March 2022. In May 2022, the Education Committee published its [report on prison education](#).

In March 2022, the MOJ launched market engagement as part of the testing and development of a new Prisoner Education Service for England. The MOJ anticipates a procurement process will commence in spring 2023.

Note

1 Wales and most contracted-out prisons are not part of this process.

Prison performance

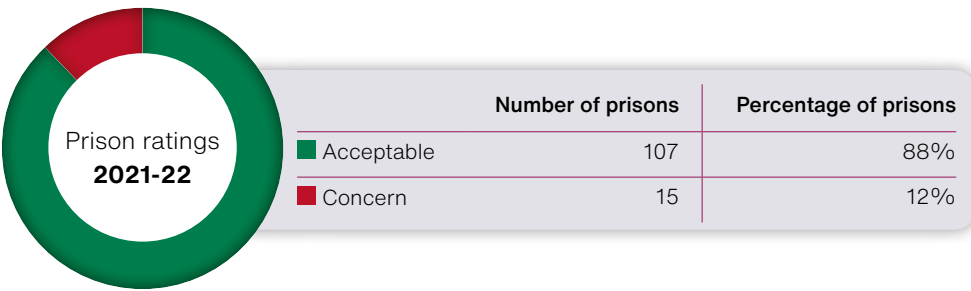
HMPPS manages the performance framework against which all prisons are assessed. There were 23 performance measures in 2021-22. Some 107 prisons were rated as 'Performance is at least acceptable in the circumstances of COVID-19' in 2021-22. The remaining 15 prisons were rated as 'Performance is of concern in the circumstances of COVID-19 in 2021-22'.

All female and male open, female closed and male dispersal prisons were rated as having acceptable performance.

Prison performance ratings were not published in 2020-21 due to the impact of the COVID-19 pandemic on prison delivery. A new process has been followed to derive performance ratings for 2021-22, which means that 2021-22 ratings are standalone and not comparable to previous years.

HM Inspectorate of Probation and HM Inspectorate of Prisons published their [joint thematic review of the Offender Management in Custody \(OMIC\) model](#) in November 2022. HMPPS aims for the OMIC model to coordinate and sequence an individual's journey through custody and after release.

Annual Prison Performance Ratings, 2021-22



Note

1 Some prisons are co-located and therefore may be counted as one prison but have two performance scores. HMP Five Wells does not have an annual performance rating yet.

Source: National Audit Office analysis of Annual Prison Performance Ratings

Part Three // Key developments

The prison system – prisoner welfare and wellbeing

The welfare and wellbeing of prisoners continues to be a concern for the MOJ.

Impact of COVID-19

The Chief Inspector of Prisons reported that in some of the prisons they visited in 2021-22, prisoners were locked up for 23 hours a day. However, there was wide variation observed in how individual prisons were interpreting guidance by both HMPPS and Public Health England. As a result, prisoners' mental health was suffering with 51% of men and 76% of women saying that they had mental health difficulties.



There appeared to be no good reason why most prisoners at one category C training prison should have been locked up for 22 hours a day, while two-thirds of those at a category B local jail were out of their cells for five hours a day during the week.¹

Chief Inspector of Prisons

The government reported that national-level restrictions on prison regimes introduced to limit the spread of COVID-19 had been lifted in June 2022. Individual prisons may still need to follow public health advice to temporarily restrict regimes in order to contain local outbreaks.

Note

- ¹ Category B prisons house offenders whose assessed risks require that they are held in the closed estate and who need security measures additional to those in a standard closed prison. Category C prisons house offenders who are assessed as requiring standard closed conditions, and do not need additional security.

Harm to staff and prisoners

Overall, the trends in harm to staff and prisoners were mixed:

- There has been a decrease in the number of deaths in prison custody. As of 30 September 2022, there were 307 deaths in the previous 12-month period, compared with 396 in the previous period.
- The number and rate of self-harm incidents were almost unchanged. There were 52,972 self-harm incidents in the 12 months to June 2022, an increase of 0.4% from the previous period. The main increase was among female prisoners. On average, those who self-harmed did so 4.8 times in the year to June 2022, up from 4.6 times in the previous period.
- There were 7,459 assaults on staff in the 12 months to June 2022, up by 4% from the previous 12-month period. Assault rates have been higher in female establishments than in male establishments since the 12 months to June 2018, with the difference increasing each year.

Statistics are published separately for children's secure training centres, secure schools and young offender institutions. Although the youth population is small relative to the whole prison population, there are notably higher rates of violence and a higher rate of self-harm for this group.

Part Three // Key developments

The probation system

The number of people under probation supervision is increasing following a fall during the COVID-19 pandemic.

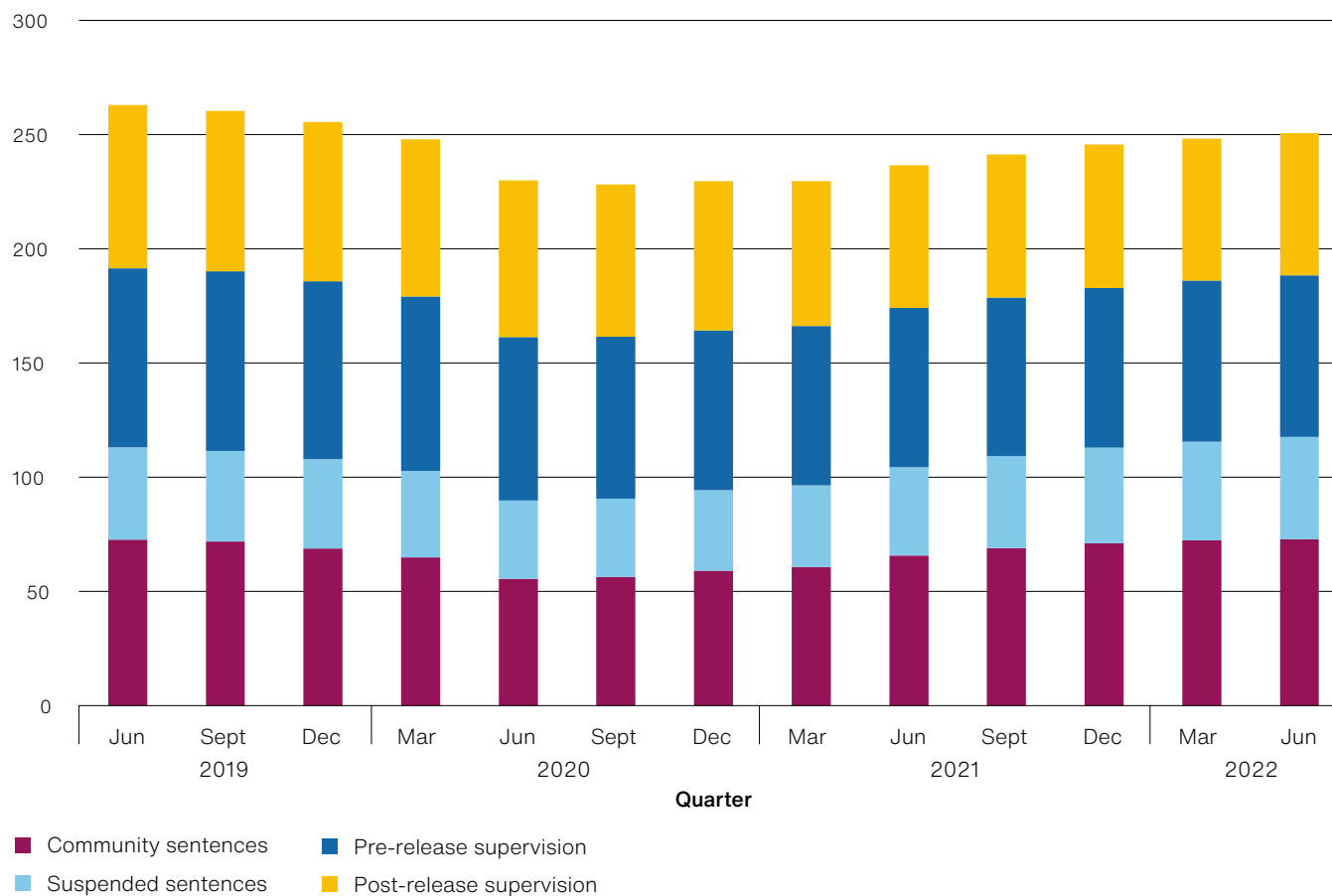
Trends in probation

At the end of June 2022, the total number of people under probation service supervision was 243,127, 5% higher than at the end of June 2021.

This increase was driven by the court order caseload increasing by 12%. The number of offenders on a community order and those on a suspended sentence order increased by 11% and 16% respectively.

Number of offenders under probation supervision, by sentence type at the end of each quarter, between 30 June 2019 and 30 June 2022

Number of offenders (thousands)



Notes

- 1 Number of offenders shown is at the end of each quarter (the last day of the month shown).
- 2 The number of people under probation service supervision is based on each person being counted once, even if they are subject to several types of probation supervision. This means that the totals shown in the figure above sum to more than the simple count of those supervised.

Source: National Audit Office analysis of HM Prison & Probation Service published data

Part Three // Key developments

The probation system continued

The MOJ is seeking to improve how it manages those on probation.

Probation reform

On 26 June 2021 the privatised probation services (the Community Rehabilitation Companies) were returned to public control, and absorbed into the newly named Probation Service. The unified Probation Service is now responsible for managing all those on a community sentence or licence following their release from prison. There are now 11 probation areas in England and one for Wales.

The Target Operating Model for probation services in England and Wales sets out in detail how the new probation model works and how reforms will be adopted over the period from June 2021 to 2024 and beyond.

Private and voluntary sector organisations continue to be engaged in probation services. The MOJ has awarded 26 contracts to companies to provide specialist housing, employment and training support for those under probation supervision. These contracts include specific support services tailored to women. The MOJ has also awarded contracts for personal wellbeing services, including mental health, family and relationships.¹

By October 2022, the MOJ let a further 16 local and regional contracts to provide: finance, benefit and debt support; and dependency and recovery services.² Procurement was ongoing for further local and regional contracts.

Notes

- 1 For Greater Manchester there are joint commissioning arrangements with the region's Combined Authority.
- 2 Dependency and recovery services are intended to help service users with their substance addiction needs.

Electronic monitoring

Electronic monitoring ('tagging') allows the police, courts, probation and immigration services to monitor offenders' locations and compliance with court orders, and act if offenders breach their requirements.

The government regards electronic monitoring as a cost-effective alternative to custody which contributes to its goals to protect the public and reduce reoffending. It launched electronic monitoring in 1999. In 2011, in parallel to its normal tagging activities, HMPPS launched a transformation programme to improve efficiency and capability, mainly by introducing new technology and adding more sentencing options. It closed this programme in March 2022 and plans to widen the use of tagging over the next few years through a new expansion programme.

Our May 2022 report on *Electronic monitoring – a progress update* sets out our assessment of HMPPS's delivery of its electronic monitoring programme and how it has applied learning and is addressing risks to its expansion programme. It concluded that:

- HMPPS has not achieved value for money from tagging services. It had not achieved the fundamental transformation it intended and had wasted £98 million; and
- HMPPS's lack of focus on monitoring benefits and continued poor evidence base means that – more than 10 years into the programme – Parliament still does not have a clear view on what it has achieved or whether electronic monitoring is an effective intervention.



Relevant NAO work: *Good practice guidance: Managing the commercial lifecycle* (nao.org.uk)

Probation performance

In March 2020, because of the COVID-19 pandemic, probation services moved to an Exceptional Delivery Model (EDM) where many offices were closed, most face-to-face contact was suspended and all unpaid work and accredited programmes were suspended. In January 2022, the MOJ withdrew all EDMs and all regions moved to deliver the Target Operating Model for probation.¹

HMPPS introduced a new performance framework and service level targets for probation services following their unification in June 2021.

There are 16 measures against which probation performance is measured. HMPPS phased in the performance framework, with all 16 measures in place for the last quarter of 2021-22 (January to March 2022).

Across the 16 performance measures, at a national level, eight out of 16 probation service levels were above or equal to their target at the end of 2021-22.²

Notes

- 1 Probation teams transitioned onto a Prioritisation Framework. This Framework allows regional probation directors to focus on delivering key public protection responsibilities and have flexibility to adjust or pause other delivery areas identified in the framework if needed.
- 2 HMPPS has stated, due to the new probation service performance framework, performance data should not be compared with previously published probation performance data.

Part Three // Key developments

Reducing reoffending

Reducing reoffending is one of the MOJ's three strategic outcome priorities. Its focus is on interventions proven to reduce reoffending: a home, a job and access to treatment for substance abuse.

Reoffending has an estimated economic and social cost of £18.1 billion a year (2017-18 prices).

Reoffending rate

The overall proven reoffending rate was 23.1% for the October to December 2020 offender cohort, a decrease of 2.1 percentage points from the same quarter in 2019.¹

Within the overall rate:

- reoffenders committed on average of 3.52 reoffences each;
- men were more likely to reoffend (23.6%) than women (18.3%);
- juvenile offenders (29.2%) were more likely to reoffend than adults (22.7%); and
- adults released from custodial sentences of less than 12 months were more likely to reoffend (54.9%) than those with longer sentences (21.4%).

The MOJ expects reoffending statistics to fluctuate in the short term before potentially more stable trends are observed as more time passes following COVID-19 lockdowns.

Note

¹ An offender enters the cohort if they were released from custody, received a non-custodial conviction at court or received a caution in a three-month period: October to December 2020. Proven reoffences are measured over a one-year follow-up period and a further six-month waiting period to allow for offences to be proven in court. Information on how proven reoffending data are collected is available here: [Proven reoffending statistics: October to December 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/proven-reoffending-statistics-october-to-december-2020)

Additional funding for reducing reoffending

The 2021 Spending Review announced an additional £550 million over the next three years to cut reoffending and the *Prisons Strategy White Paper* sets out further measures. Initiatives include:

- expanding the number of bed spaces in the existing Approved Premises estate and increasing provision. Approved Premises are used to support the release on licence of high- and very high-risk prison leavers, protect the public and to support resettlement and rehabilitation;
- providing temporary accommodation for up to 84 nights where a prison leaver subject to probation supervision would be otherwise homeless or rough sleeping, and support to move on to settled accommodation after three months;
- putting in place employment advisory boards in all resettlement prisons by April 2023 to foster links between prisons and employers, supporting prisoners getting skills needed to find employment on release; and
- HMPPS is putting dedicated employment advisers in all resettlement prisons. It is also creating employment hubs (the equivalent of a job centre in a prison) in these prisons to help prisoners get employment information and advice before release and to help identify and match vacancies to prisoners.

HMPPS works with a range of government organisations to provide support to offenders before and after release, including: the Department for Work & Pensions, NHS England, the Department for Levelling Up, Housing & Communities and some private/third sector bodies.

Regional reducing reoffending plans

Regional probation directors and prison group directors have produced Regional Reducing Reoffending Plans for their regions for the period 2022 to 2025. Available at: www.gov.uk/government/publications/regional-reducing-reoffending-plans.²



Relevant NAO work: The NAO is undertaking a value-for-money study on resettlement support for prison leavers to reduce reoffending, which will be published in spring 2023.

Part Three // Key developments

Managing the needs of those in contact with the criminal justice system

There is a diverse group of people in contact with the criminal justice system.

Diversity of the prison population

Representation in the prison population by ethnicity has remained broadly steady since 2013. As at 30 September 2022, the proportion of prisoners with known ethnicity identifying as white was 72.7%, broadly unchanged from the prior year (72.4%).

There has been a small upward trend in the number prisoners aged over 50, and the MOJ expects this to increase further in future, in line with the increasing overall prison population. The most represented age group in prison are 30- to 39-year-olds (32.8% of the total population).

On 30 September 2022, the prison population was 96% male, unchanged from the previous year.

Women in the criminal justice system

The MOJ has committed to publish a Female Offender Strategy Delivery Plan for 2022-25, setting out the MOJ's priorities for delivery.

In May 2022, the MOJ announced the location of its first residential women's centre pilot in Swansea. The 12-bed centre is intended to trial an alternative to short custodial sentences for around 50 offenders a year.

In 2021-22, the MOJ provided £2.5 million to meet the costs of women's community services to help provide essential services to vulnerable women and those with complex needs.

Neurodiversity

Neurodivergence is a term used to refer to conditions that fall under the broad category of neurodevelopmental disorders, including learning difficulties, autism, ADHD and cognitive impairments due to brain injury. While there is patchy data collection and inconsistent assessments, there is some evidence that perhaps half of those entering prison could reasonably be expected to have some form of neurodivergent condition which impacts their ability to engage.

In June 2022, in response to a review of evidence on neurodiversity in the criminal justice system led by HM Inspectorate of Prisons, the MOJ published an [Action Plan](#).¹ The plan includes creation of a cross-government working group to improve provision for neurodivergent people at all stages of the criminal justice system, increasing neurodiversity support managers in prisons, improving staff training, and reviewing the current screening tool used to identify neurodivergent people and provide support.

Note

- ¹ The review was undertaken by HM Inspectorate of Prisons, HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Services.

Children in custody

Children aged between 10 and 17 are typically held across three categories of secure institution: secure children's homes, young offender institutions (YOIs), and secure training centres (STCs). In September 2022, there were 434 children in custody, and in the year ending March 2022, the majority were held in YOIs (75%). Reports in recent years indicated a deterioration in the standard of provision for children in YOIs and STCs.

Our April 2022 report on [Children in custody: secure training centres and secure schools](#) found that the MOJ projected that youth custody rates might more than double by September 2024, after a long-term decline. The MOJ expects the number of children aged 15 to 17 in YOIs, which house the majority of children in custody, might double from 343 in July 2021, to 700 in July 2025.¹ Some groups of children are increasingly over-represented in custody. In the year ending March 2021, on average 53% of children in custody were from ethnic minority groups, compared with 32% in the year ending March 2011.

Failing conditions in STCs meant HMPPS had moved children within the secure custodial estate, including to settings that it had previously judged as less suitable. HMPPS recognised that significant work was required to improve the secure custodial estate to reflect expected increased demand for places and to meet children's needs. Only one of the two secure schools that the MOJ committed to establishing in 2016 had progressed at the time of our report.

Note

- ¹ The MOJ told us that these projections are uncertain. There are significant difficulties associated with forecasting a population of this size, as well as uncertainties, including recovery of the criminal justice system following the pandemic and the impact of the recruitment of an additional 20,000 police officers.

Part Three // Key developments

Meeting the needs of victims and other users

The MOJ is increasing funding and support to meet the needs of victims and other users of the criminal justice system.

Victim support services

The MOJ has committed to increase funding for victims and witnesses from £93 million in 2019-20 to £192 million in 2024-25. It plans to use this additional funding towards providing more than 1,000 independent sexual violence and domestic violence advisers and to introduce new services, such as launching a 24-hour, seven days a week, helpline for victims of rape and sexual violence.

The government has committed £154 million of this funding per year to 2024-25 to provide funding certainty for service providers so that they can better plan services and build their capacity.

In addition, to improve the court experience for victims the MOJ has rolled out pre-recorded cross-examination for victims of sexual and modern slavery offences in all Crown Courts in England and Wales.

Victims' Commissioner

The Victims' Commissioner for England and Wales promotes the interests of victims and witnesses and encourages good practice in their treatment. The Commissioner published her [*2021-22 annual report*](#) in June 2022 at the end of her first term.

In March 2022, MOJ launched a recruitment process for a new Commissioner. This recruitment process was extended in August 2022. Dame Vera Baird, the former Commissioner, vacated her position in September 2022, citing a downgrading of victims' interests in the government's priorities.

BOLD programme

The MOJ is leading the Better Outcomes through Linked Data (BOLD) programme to demonstrate how people with complex needs can be better supported by linking and improving the government data held on them in a safe and secure way. The programme will use pseudonymised data from the MOJ, Department of Health & Social Care, the Department for Levelling Up, Housing & Communities, Public Health Wales and the Welsh Government.¹

The MOJ is focusing the programme initially on four pilot areas: reducing homelessness, supporting victims of crime, reducing substance misuse and reducing reoffending.

The programme will run until the end of March 2024 and the government plans to use its findings to deliver changes to the support provided for those in need.

Note

- 1 Pseudonymisation removes or replaces information in a data set that can identify an individual.

Demand and supply in the criminal justice system

There is growing disparity between the demand for criminal justice services, primarily driven by the police who make arrests and charging decisions, and the supply of services, primarily driven by both HM Courts & Tribunals Service (HMCTS), which administers cases through the courts, and HM Prison & Probation Service (HMPPS), which manages those in custody.

Increasing demand for services

The projected future demand on the criminal justice system is dependent on a number of complex and uncertain factors, including future trends in reported crime and offences charged. However, there are a number of factors that the Ministry of Justice (MOJ) expects will increase demand:

- In 2021, the Home Office estimated in its Full Business Case for the Police Uplift Programme that the recruitment of 20,000 additional police officers could lead to an additional 729,000 cases entering the criminal justice system from 2020-21 to 2029-30. It aims to develop a clearer picture of demand by 2023. The MOJ expects the prison population to rise significantly during the 2020s.
- The implementation of tougher sentences. On 28 April 2022, the *Police, Crime, Sentencing and Courts Act* received Royal Assent. This introduced longer sentences for the most serious offenders and ended the automatic halfway release from prison for those convicted of certain serious sexual and violent offences.



Relevant NAO work: *Improving operational delivery in government: A good practice guide for senior leaders* (nao.org.uk)

How to improve operational services – National Audit Office (NAO) insight

Staffing pressures

Between 1 April 2021 and 31 March 2022, 7,520 permanent staff left HMPPS, a leaving rate of 12.6%.¹ This included 3,387 prison officers in bands 3 to 5, representing a 60% increase in the attrition rate for these grades, compared with the prior year. Increasing numbers of operational staff leaving the prison service year-on-year could have a major impact on the stability of public sector prisons.

Pay is a principal concern in staff retention. The MOJ accepted all bar one of the recommendations made by the Prison Service Pay Review Body for 2022-23. But the review body noted that this was the fourth time independent recommendations regarding pay had not been fully implemented since 2018. In September 2022, unions representing probation staff voted to accept HMPPS's pay offer for 2022, 2023 and 2024.

There has been industrial action affecting the criminal justice system. Criminal barristers held industrial action in relation to fee rates between 26 June 2022 and 10 October 2022. Also, some Magistrates' Court staff have voted to strike over Common Platform rollout.

Note

- ¹ On a headcount basis. Average number of staff in post for 12 months to 31 March 2022. HMPPS workforce statistics are available here: www.gov.uk/government/collections/national-offender-management-service-workforce-statistics

Demand and supply in the criminal justice system continued

Reducing the courts backlog

Increased court waiting time and delays result in more defendants pleading not guilty. Cases with not guilty pleas typically take much longer to complete in the courts than cases where a defendant has pleaded guilty, putting further strain on the justice system.

In October 2021 the NAO identified the following risks to long-term recovery:

- Lack of consistently applied shared objectives between the MOJ and HMCTS.
- Limitations on physical and judicial capacity.
- Data limitations obscuring understanding of future system demand.
- Balancing demand across courts and prisons.
- Understanding how the recovery programme has affected users and outcomes.¹

The MOJ has committed to recruiting 70 circuit judges and 125 recorders in 2022. The MOJ has stated that if there are shortfalls, Magistrates' Court judges may be approved to sit in the Crown Court, and retired judges may be used.

The October 2021 NAO report found that the backlog looks likely to be a pervasive issue beyond 2024. Also, since that report, the impact of the barrister strike action between June and early October 2022 may exacerbate challenges in reducing the backlog.

In September 2022, the backlog at the Crown Court had risen to 62,517 cases, after falling in summer 2021.



Relevant NAO work: [Reducing the backlog in criminal courts \(nao.org.uk\)](https://www.nao.org.uk/research/research-reports/reducing-the-backlog-in-criminal-courts/)

Note

- ¹ Comptroller and Auditor General, *Reducing the backlog in criminal courts*, Session 2021-22, HC 732, National Audit Office, October 2021.

Prison places

Despite the expansion of electronic monitoring, the MOJ predicts that it will need 20,000 new prison places by the mid-2020s to meet demand and support the transition towards a more efficient, safe and environmentally sustainable prison estate. At October 2022, the MOJ's public announcements on its additional places portfolio included plans for around 17,000 additional prison places. The MOJ's plans for three of the new-build prisons are delayed after local councils rejected planning applications. The MOJ has lodged planning appeals.



Delivering major projects and programmes and implementing change

The MOJ is delivering a significant portfolio of projects against a backdrop of market volatility and significant technical debt.

Volatility in markets

The MOJ is dealing with a significant level of volatility in supply chains because of ongoing global uncertainties including inflationary pressures, availability of materials and the resilience of suppliers, particularly construction, facilities and energy. This may have an impact on major prison construction projects, as well as the maintenance of the prison and courts estate. The MOJ has stated that it has taken steps to mitigate risks and continues actively to manage its affordability position.



Relevant NAO work: Good practice guidance: Managing the commercial lifecycle (nao.org.uk)

Evaluating government spending: an audit framework – National Audit Office (NAO) insight

Portfolio of major projects and programmes

The MOJ group has the second largest number of programmes in the Government Major Projects Portfolio (GMPP). In 2021-22, eight new MOJ projects entered the GMPP and three left it, leaving a total of 24 projects in the portfolio.

Delivering this portfolio requires effective portfolio management, including the prioritisation of resources and ensuring there remains a focus on the clarity of the objectives the programme intends to deliver throughout the lifecycle of the programme.



Relevant NAO work: Lessons learned: Delivering programmes at speed – National Audit Office (NAO) Report

Digital

The MOJ maintains more than 800 live computer-based services and 95,000 technology devices. These support prisoners and members of the public, as well as 86,000 staff operating across 13 organisations and 1,000 sites.

The MOJ estimates it currently has significant technical debt. Technical debt is the estimated value of deficiencies in digital systems which are creating inefficiencies or risks, such as security vulnerabilities. If left unresolved, technical debt can cause business disruption and greater unforeseen issues in future digital projects.

In April 2022, the MOJ published its digital strategy for 2022 to 2025. The strategy has three themes:

- To become a more flexible organisation – be nimble, using automation where it is right to do so.
- To be driven by data – ensuring the right data are available at the right time for the right people.
- To be led by users – creating a user-centred mindset and truly multidisciplinary team.

The strategy aims to set the model and the pace for fuller organisational change beyond 2025.



Relevant NAO work: The challenges in implementing digital change (nao.org.uk)

Use of Agile in large-scale digital change programmes – National Audit Office (NAO) insight

Delivering major projects and programmes and implementing change continued

Climate change and sustainability

The MOJ has the second largest government estate, giving it significant responsibility for how it manages its environmental impact. The Greening Government Commitments (GGCs) set out the actions government departments will take to reduce their impacts on the environment in the period 2021 to 2025. The Commitments are available here: [Greening Government Commitments 2021 to 2025](#). In its Annual Report and Accounts 2021-22, of the eight commitments, the MOJ has rated four as 'red' (not on track to achieve), three as 'amber' (on track but at risk) and one as 'green' (on track to achieve).¹

The MOJ has delayed publication of its strategy and plan for meeting net zero carbon emissions by 2050. It is updating its draft strategy to reflect its Spending Review settlement and government's publication of its [Net Zero Strategy](#) and [Heat and Buildings Strategy](#). Organisations within the MOJ group are updating their sustainability action plans during 2023, alongside delivery plans to meet the GGCs and net zero carbon goal.

The government published a new [property strategy for 2022 to 2030](#) to achieve savings from the government estate by making buildings more efficient and from selling property.

The strategy commits government organisations to develop property strategies for portfolios of property types. The MOJ is responsible for three specific portfolios – prison, probation and court and tribunal.



Relevant NAO work: [Climate change risk: A good practice guide for Audit and Risk Assurance Committees](#) – National Audit Office (NAO) insight

Note

- ¹ Four rated as red: reduce direct greenhouse gas emissions by 23%, reduce overall waste by 15%, increase recycling to at least 70% and reduce paper usage by 50%; three rated as amber: reduce greenhouse gas emissions by 41%, landfill waste to be less than 5% and reduce water consumption by at least 8%; and green: reduce domestic business flights by 30%.

